

United States District Court  
Eastern District of Michigan

United States of America

**ORDER OF DETENTION PENDING TRIAL**

v.

Jamil L. Carter a/k/a Leon Pierce /

Case Number: 05-80617, 05-80029

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

**Part I – Findings of Fact**

(1) I find that:

- T** there is probable cause to believe that the defendant has committed an offense
- T** for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- “** under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings**

**T** I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

**T** I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

**Part II – Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - The grand jury found that this defendant was an enforcer in a large scale drug distribution conspiracy involving violence and assassination attempts.
- T** (b) weight of the evidence - Strong evidence, including wiretap and surveillance.
- T** (c) history and characteristics of the defendant - Uses alias name and identification papers.
  - T** 1) physical and mental condition - Residual injuries from auto accident.
  - T** 2) employment, financial, family ties - No job or assets, but does have family contacts.
  - T** 3) criminal history and record of appearance - Two (2) felony convictions, one (1) probation violation warrant, two (2) failure to appear warrants and six (6) misdemeanor or traffic warrants.
- “** (d) probation, parole or bond at time of the alleged offense
- T** (e) danger to another person or community. - Wiretap evidence suggests strongly that this defendant was involved in the shooting of Marcus Smith. This defendant is charged in a separate case with possession of a firearm in connection with a drug trafficking offense in 2003. Testimony of arresting officer establishes defendant's declaration that he would have shot the officers had there not been so many on the scene. Pretrial Services recommends detention. I consider this defendant to be a flight risk and a danger to potential witnesses and the public.

**Part III – Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

July 22, 2005

*Date*

s/Donald A. Scheer

*Signature of Judge*

Donald A. Scheer, United States Magistrate Judge

*Name and Title of Judge*